IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7479 of 1997

Between:

1 P.Srinivasulu S/o Ramanaiah
Palapalli Village, Vidavaluru Mandal,
Nellore District, A.P.
2 Andhra Pradesh Rythu Sangham rep by President, Chitteti

Pitchaiah, S/o. Chinnaiah,
Vidavaluru Committee, Vidavaluru ,
Nellore District, A.P.
3 Vidavaluru Primarry Agriculture Cooperative Society, rep by its

President, Matturu Srinivasulu Reddy, S/o Subba
R/o Vidavaluru, Vidavaluru Mandal,
Nellore District, A.P.

..... PETITIONER(S)

AND

1 The Executive Engineer, Public Works Department,
Irrigation Central Division, Nellore,
Nellore District
2 The Dy.Executive Engineer, P.W.D., Irrigation,
Buchireddipalem, Nellore District, A.P.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction under Article 226 of the constitution of India, Particularly one in the nature of Writ of MANDAMUS, directing the respondents herein to provide source to irrigate the lands i.e., Ac.170-00 by connecting Main Channel of Kaligiri Reservoir to the outlet No.8 of the Vidavaluru Tank, situated at 13th Mile of kaligiri Reservoir Nellore District, A.P., after calling for the records.

Counsel for the Petitioners:MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent.: GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT.

The Court made the following :

O R D E R:

Heard both the counsel.

The petitioners filed the present writ petition praying for a direction more in the nature of Mandamus, directing the respondents to provide source to irrigate the lands of 170.00 acres by connecting main channel of Kaligiri Reservoir to the outlet No.8 of the Vidavaluru Tank, situated at 13th Mile of Kaligiri Reservoir Nellore District, after calling for records and also direct not to close outlet of one square feet leading to 8th outlet of Vidavaluru Tank of Kaligiri Reservoir, Nellore District and for such suitable orders.

2. A.P. Rythusangham, Vidavaluru Committee, Nellore District, represented by the President and others had filed the present writ petition. It is stated that there is a Canal from the Kaligiri Reservoir having length of 21 miles. The capacity of the canal is to discharge 450 cusecs. Out of 450 cusecs water, an extent of 120 cusecs water has to be let out from the point of 13th mile.

3. It is also stated that at the point of 13th mile a Channel was Dug to feed Vidavaluru Tank. There are 8 Outlets to the Vidavaluru Tank. The original channel to the Vidavaluru Tank was of 4 to 5 feet width. There are 8 outlets to the said tank. The number of 8 outlets is connected with the main channel connecting the tank as the 8th channel was in the uppermost part of the tank and it was to irrigate an extent of 90 acres of land belonging to Parlapalli and an extent of 80 acres of Vidavaluru village. The said practice was in vogue since the beginning. It is also stated that recently, under the programme of Sramadhanam, the width of channel connecting the tank was widened up to 20 feet and the depth of the channel was further deepen from 2 feet to 5 feet.

4. It is further stated that in view of the same there is possibility of diverting water from the channel to the outlet No.8. These changed circumstances, necessitated to

have one square feet outlet from the main canal for the purpose of drawing water to the outlet No.8 for irrigating the lands of Vidavaluru and Parlapalli Villages.

5. It is also sated that due to political rivalry there appears to be some dispute or controversy relating to these aspects. Several other details had been narrated in the affidavit filed in support of the writ petition. No counter affidavit is filed denying the said allegations. After hearing both the parties, this Court is of the considered opinion that it is a matter relating to the supply of water, the quantum of water, and the irrigation facilities to be extended to lands for cultivation purpose. These are all the factual aspects, which cannot be decided by this Court.

6. In the peculiar facts and circumstances of the case, the petitioners herein are given liberty to make a representation to the first respondent within a period of two weeks from the date of the communication of the order and on receipt of the said representation, the first respondent is further directed to dispose of the said representation in accordance with law, within two months thereafter, after giving opportunity to all the affected parties, if necessary.

7. The Writ Petition is disposed of accordingly. No order as to costs.

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21st December, 2004.

Mrb

To

1 The Executive Engineer, Public Works Department,
Irrigation Central Division, Nellore,
Nellore District.

2 The Dy.Executive Engineer, P.W.D., Irrigation,
Buchireddipalem, Nellore District, A.P.

3. Two CCs to G.P for Irrigation & Command Area development,

High Court Buildings, Hyderabad (OUT).

4. Two CD Copies.